HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.792 OF 2007

Between:

The Hyderabad District Cooperative
Central Bank Limited and another

. . .Appellants

AND

Md.Mujahid and others

. . .Respondents

:: JUDGMENT ::

Counsel for the appellants : Shri P.Sridhar Reddy
for Shri K.Raghuveer Reddy

Counsel for respondent No.1 : Shri S.I.Newton

4th October, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 6-2-2007 passed by the learned Single Judge in W.P.M.P.No.9871 of 2006 in Writ Petition No.7714 of 2006, whereby he directed the appellants to release gratuity amount of Rs.2,97,600/- to respondent No.1.

In the Writ Petition filed by him, respondent No.1, Md.Mujahid, has prayed for issue of a mandamus to Hyderabad District Co-operative Central Bank Limited (appellant No.1 herein) to release the retiral dues, like gratuity (Rs.4,19,000/-) and group insurance amount (Rs.14,397/-) with interest from the date of his retirement i.e., 28-2-2002 and also release the attached amount of Rs.1,20,000/- under F.D.No.5396 dated 10-5-2002. He also filed W.P.M.P.No.9871 of 2006 for release of the amount of gratuity.

In the counter-affidavit filed on behalf of non-petitioner No.1 (appellant No.1 herein) it was admitted that the writ petitioner is entitled to various terminal benefits, amounting to Rs.5,59,677/-, but, at the same time it was averred that a sum of Rs.2,61,914-98 is recoverable from him on account of the alleged loss caused to the Bank and that after deducting Rs.1,94,918.98 ps., recoverable under various heads, balance amount of Rs.2,30,925.02 ps., had been kept in FDR No.097786 with liberty to the petitioner to withdraw the amount of interest so that the principal amount could be released after finalization of criminal and surcharge proceedings.

On a consideration of the pleadings of the parties, the learned Single Judge felt convinced that there was no justification to withhold

the amount of gratuity i.e., Rs.2,97,600/-. Accordingly, he passed the order under challenge and directed the appellants to release the amount to respondent No.1.

We have heard learned counsel for the parties and scrutinized the record. In our opinion, the direction given by the learned Single Judge is innocuous to the core and does not call for interference under Clause 15 of the Letters Patent.

As per the appellants' own showing, a sum of Rs.5,59,677/- is payable to the writ petitioner (respondent No.1 herein). The total amount, which could be deducted on the basis of a finding to be recorded by the competent authority/Court from the retiral benefits payable to respondent No.1 comes to Rs.2,61,915/-. However, all this depends on the conclusion of the proceedings. In legal parlance, appellants cannot recover anything from the gratuity payable to respondent No.1. Therefore, the direction given by the learned Single Judge for release of the amount of gratuity cannot be treated as arbitrary and unreasonable.

With the above observations, the appeal is dismissed.

G.S.SINGHVI, CJ

4th October, 2007

C.V.NAGARJUNA REDDY, J

Kvni/MNR